



TOWN OF WESTFORD
Office of the Town Clerk

2013 SPECIAL TOWN MEETING
October 21 & 22, 2013

**Amend Westford Zoning Bylaw Section 5.3 to Replace the Sign Bylaw in its
Entirety Including Sign Related Definitions in Section 10.2**

ARTICLE 17. Upon a motion duly made and seconded, it was

VOTED: That the Town delete the existing Section 5.3 of the Westford Zoning Bylaw in its entirety and replace it with the new Section 5.3 SIGNS as it appears below, and replace the existing sign related definitions in Section 10.2 of the Zoning Bylaw with the new Section 10.2 Definitions As Related to Signs as set forth below.

5.3 SIGNS

5.3.1 Purpose.

Signs are a highly visible and necessary means of communicating information. Signs play an important role for businesses to advertise their goods and services. Signs may be one of the most visible and apparent aspects of a Town's character. Signs may create an impression on residents and visitors and they provide an indication of the commercial health of business areas and the Town as a whole. The purposes of this section are:

- To promote the safety and welfare of residents, businesses and visitors;
- To encourage the effective use of signs as a means of communicating information and advertising products and services;
- To promote economic health of the Town and its businesses, organizations and institutions so they can successfully identify themselves;
- To enhance the safety of all traffic participants by preventing sign overload and clutter;
- To implement the direction in the Town's Master Plan and Route 110 Master Plan;
- To foster free and effective expression and advertising through creative design; and
- To maintain and enhance the built environment and the character of the Town.

5.3.2 Applicability.

1. The effective date of this section is one hundred twenty (120) days following passage by Town Meeting, February 19, 2014.

2. Unless expressly exempt pursuant to this bylaw, no sign shall hereafter be erected or maintained except as provided by this Section and provided any required permit has first been issued by the designated permit granting authority. All signs erected hereunder shall be erected in the exact location and manner described in the permit.

5.3.3 Definitions.

See § 10.2 of this Bylaw.

5.3.4 General Sign Regulations

Except where stated otherwise, the following provisions shall apply to signs in all Zoning Districts:

1. Permits, Construction and Maintenance

- a. A sign permit from the Building Department is required for all signs not exempted pursuant to §5.3.5.
- b. Signs shall be constructed of durable and weatherproof materials. They shall be maintained in safe structural condition and good visual appearance at all times and no sign shall be left in a dangerous or defective state.
- c. All electrical equipment associated with a sign shall be installed and maintained in accordance with the National Electrical Code.
- d. The Building Commissioner shall have the authority to inspect any sign and order the owner to paint, repair or remove a sign which constitutes a hazard, or a nuisance due to improper or illegal installation, dilapidation, obsolescence or inadequate maintenance.
- e. The Building Commissioner may require removal of signs if the use has been abandoned or if the sign is in disrepair or in a dangerous condition.

2. **Buildable lot.** For purposes of regulating signs, any adjoining parcels of land under common ownership and control with the subject property, shall equal one buildable lot.

3. **Measurement of Display Area.** See definition of Display Area in § 10.2 of this bylaw and the accompanying illustrations.

4. **Sign Height.** Height is measured from average grade at the location of the sign.

5. Illumination

- a. No sign shall incorporate or be lit by flashing or blinking lights, or by lights changing in intensity except as permitted herein.
- b. The display area of an illuminated sign shall not exceed an average luminance of fifty (50) foot-candles measured directly on the surface of the sign.
- c. Light fixtures including bulb or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Bylaw.

- d. Time limits on illumination. All illuminated signs must be on a timer or manually turned off 30 minutes after closing of the store or business, or 30 minutes after working hours, or before 11:00 PM, whichever is earlier, unless a special exception has been granted by the Building Commissioner for public safety or convenience. Examples of special exceptions include but are not limited to: late night food service, hospitals or other 24-hour medical facilities, gas stations, public buildings, and 24 hour operations such as a hotel.
- e. Signs may be lit by an external source of illumination. When a sign is lit by an external source, the illumination of a sign shall not interfere with visibility by pedestrians or operators of motor vehicles in the vicinity, and shall be directed down whenever it would not present such interference.
- f. The following types of signs with internal illumination shall be permitted, provided that they comply with all applicable standards
 - (1) Neon and LED Window Signs, subject to § 5.3.5(10).
 - (2) Halo Individual Letter Signs or symbols, back-lit with a concealed light source, which create a halo effect in which the letters or symbols are silhouetted against a solid background, illuminated by the light source, as shown in Figure 5.3.1
 - (3) Internally illuminated signs with Channel letter faces as shown in Figure 5.3.2.
 - (4) Other types of internally illuminated signs may be authorized by a Special Permit in accordance with § 5.3.11.

Figure 5.3.1 Halo Lettering

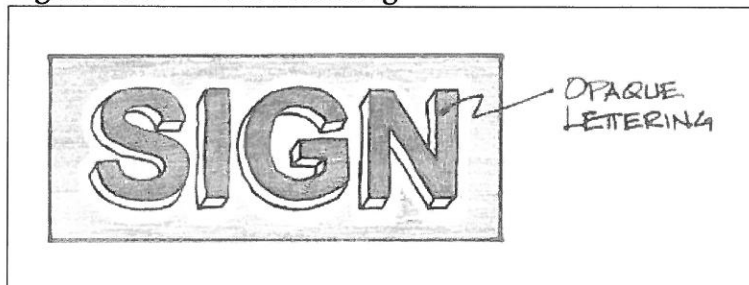
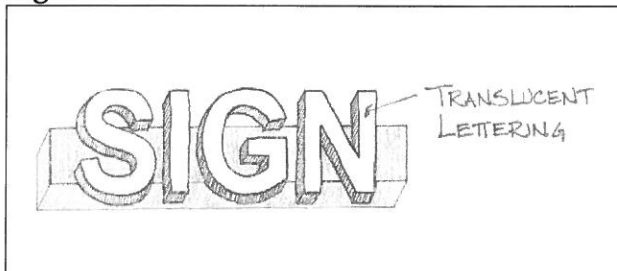


Figure 5.3.2 Internal Illumination with Channel Letters



- 6. **Signs Painted on an Exterior Wall.** No sign shall be painted or drawn directly upon any building. Any signs to be painted or attached to a building must be securely affixed to a substantial intermediate removable surface, and such surface shall be securely affixed to the

wall of the building. This shall not prevent painting or drawing murals or other public art directly on an exterior wall of a building.

5.3.5 Signs Which Do Not Require a Sign Permit

The following signs do not require a sign permit provided such signs comply with §§ 5.3.8 and 5.3.9 unless specifically provided otherwise in this section. These regulations shall not apply to any sign that expresses religious, political, or other opinions or are otherwise considered to be non-commercial “speech” under the First Amendment of the United States Constitution. For the types of signs included in this section that exceed the standards below, review shall be in accordance with §9.4, Site Plan Review.

1. **Agricultural Sign.** In any zoning district, one sign indicating on-premise agricultural uses as referenced in § 3 of G.L. Chapter 40A, offering for sale produce and other farm products. Such sign may be a portable sign.
2. **Construction Sign.** In any zoning district, one sign is allowed for a buildable lot during active construction identifying the proposed building, the owner or intended occupant and the contractor, architect and engineers. Its display area shall not exceed six (6) square feet in Residence A and B Districts, or thirty-two (32) square feet in any other district. Such signs shall not be illuminated, shall not be erected prior to the issuance of a building permit (or other permit approving site work), and shall be removed upon completion of the construction or seven days following the issuance of the occupancy permit, whichever occurs sooner.
3. **Small Wall Sign.** In non-residential zoning districts, in addition to otherwise permitted signs, one small wall sign may be erected on the exterior wall of a building at each entrance or at one other appropriate location on the wall of a building, provided that the display area shall not exceed six (6) square feet; such sign shall not be illuminated.
4. **Fuel Pump Sign.** Fuel pump signs located on service station fuel pumps identifying the name or type of fuel and price thereof.
5. **Government Sign.** Signs, including portable signs, erected and maintained by the Town, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure in use by such governmental entity do not require a sign permit.
6. **Small Ground Signs.** In non-residential zoning districts, unless otherwise specified herein, and in addition to otherwise permitted signs, small ground signs may be erected consistent with the following standards:
 - a. Small ground signs shall not be internally illuminated, nor advertise, identify or promote any business, business service, product, commodity, entertainment or commercial activity. Generally, they are signs that meet the following purposes:
 - i. Necessary for the safety and direction of vehicular and pedestrian traffic;
 - ii. To identify handicapped parking and access;
 - iii. To display a Street name or number or a house, block, unit or building number;
 - iv. To give direction to a public service facility or accommodation; an official inspection station

- v. If required for occupational safety and health reasons;
- vi. To prohibit trespassing, hunting, or specified activities on private property.
- b. The maximum height of a small ground sign is six (6) feet as measured from average grade;
- c. The display area of a small ground sign shall not exceed six (6) square feet.
- d. No more than three (3) small ground signs are allowed for each lot.

7. Display of Restaurant Menu.

An eating or drinking establishment may display a copy of its menu affixed to an exterior wall or placed inside a window of the restaurant. The maximum Display Area of the menu shall be two (2) square feet.

8. Sign indicating property for Sale, Rent or Lease.

- a. A property where there is a building, structure or facility for Sale, Rent or Lease may have a sign so indicating, provided that the display area does not exceed sixteen (16) square feet for property located in a Business, Commercial or Industrial District and six (6) square feet for property located in any other district.
- b. Number of signs: One (1) For Sale, Rent or Lease Sign is permitted in Residential Districts and one (1) such sign is permitted for each building in any other Zoning District.
- c. Such a sign shall not be illuminated.
- d. Such sign may be a Portable Sign and it shall be removed not later than seven days following the closing of a sale, lease or rental agreement.

9. Non-illuminated Window Sign. In the Business, Commercial and Industrial Districts, such signs are allowed, provided that their aggregate display area covers no more than twenty-five percent (25%) of the window in which they are erected. Window signs promoting a public service or charitable event shall not be calculated in the allowable 25%. Window signs in the above Zoning Districts that occupy more than 25% of the window area may be authorized by a Special Permit in accordance with 5.3.11.

10. Neon and LED Window Sign. In the Business, Commercial and Industrial Districts, such signs are allowed, provided that the display area does not exceed ten (10) square feet or cover more than twenty-five percent (25%) of the window in which they are erected, whichever is less.

11. Replacement of sign with new sign (Swap) and Substitution of Non-commercial Sign Copy. In any zoning district, a wall sign or portion of a ground sign may be replaced with a new sign providing that it is exactly the same dimensions and the replacement is the same type of sign except where governed by §5.3.10. For example, an unlit sign shall be replaced by an unlit sign with no other changes to the size or type of sign. Notwithstanding anything herein to the contrary, non-commercial copy may be substituted for commercial copy on any lawful sign.

12. Temporary Sign.

- a. Temporary Portable Sign without wheels in Commercial and Industrial Districts Once per quarter of a calendar year, one temporary sign no larger than six (6) square feet may be erected per buildable lot for up to 14 days. Such quarter is defined as the periods from January 1 to March 31, from April 1 to June 30, from July 1 to September 30, and from October 1 to December 31. The sign shall be placed on private property set back at least 5 feet from the property line in a location that does not obstruct the sight lines of motor vehicle operators, bicycles and pedestrians. See §5.3.9.5 for rules related to Portable Signs allowed longer than 14 days.
- b. Special Event Sign in Residential and Business Districts.
 - i. One portable sign, without wheels, which is no larger than six (6) square feet may be erected for up to 14 days to announce the date and sponsor of a bazaar, fair, circus, festival or similar special event. Only one such sign is allowed per buildable lot, and the sign shall be placed on private property at least five (5) feet back from the property line in a location that does not obstruct the sight lines of motor vehicle operators, bicycles and pedestrians.
 - ii. Such sign that will be in place more than 14 days related to a recurring special event must be registered with the Building Commissioner in the Portable Sign Registry as described in §5.3.9.5.
- c. Banners.
 - i. One banner no larger than 48 square feet may be hung on a building for up to 14 days to announce a bazaar, fair, circus, festival, business or shop opening. The banner shall be on the property where the event occurs, and only one banner is allowed at a time on a buildable lot. Banners shall not obstruct or impede pedestrians or passage on a sidewalk or walkway.
 - ii. Banners hung across a Town Way require permission from the Board of Selectmen.

5.3.6 Signs Prohibited in All Districts

These regulations shall not apply to any sign that expresses religious, political, or other opinions or are otherwise considered to be non-commercial "speech" under the First Amendment of the United States Constitution. The following signs are prohibited in all Districts.

1. Signs on Certain Structures and Vegetation in the Right-of-Way, including:

- a. Signs erected on utility poles, traffic signs, wireless telecommunication facilities, fences, trees, shrubs or other natural features, except for signs erected by the governmental entity or utility company which owns such structures.
- b. Signs erected within or above a street right-of-way or affixed to public property, unless prior written approval has been issued by the Board of Selectmen or its designee.

2. **Portable Sign with wheels.**

- a. Signs designed to be transported by means of wheels, and signs attached to or painted on vehicles parked and visible from a street or a right of way customarily used by the general public, unless said vehicle is registered and used, as a vehicle, in the normal day-to-day operations of the business, in accordance with the Municipal Bylaws.
- b. Portable Signs with wheels which are kept in the same location for more for than 72 hours in front of a business and are not moved in that time period.

3. **Signs which project above a building or structure.** Signs shall not project more than twelve inches (12") above the highest line of the building's roof peak or roof line.

4. **Changing Image, Moving or Pennant Sign.** Any sign consisting of or containing swinging parts, flashing, revolving, changing images, scrolling images or parts, or which create the illusion of movement; pennants; ribbons; streamers; spinners; or balloons; strings of lights not associated with a holiday or seasonal celebration, flags other than those located on a government property which do not identify a nation, state or town. Signs known as "feather" signs are prohibited.

5. **Signs that Resemble Official Traffic Controls.**

- a. Any sign or advertising device which due to its shape or combination and arrangement of colors and/or words resemble traffic signs and traffic control devices.
- b. Any sign which in any way creates a hazard to traffic obscures or confuses traffic controls or blocks safe sight distance. Any sign which in any way obstructs free entrance or egress from a door, window or fire escape.

6. **Sexually Explicit Sign.** Any sign that depicts describes or relates to nudity or sexual conduct as defined in G.L Ch. 272, §31, and that is visible from the exterior of a building.

7. **Direct LED Sign.** Any sign with Light Emitting Diodes (LEDs) that are used for direct illumination, except "Open" signs mounted behind windows. LEDs may be used as an indirect light source for internally and externally illuminated signs as long as they do not create glare visible by motor vehicle operators, bicyclists or pedestrians.

5.3.7. Administration

Signs which have been approved under a Site Plan and/or Special Permit Review shall be entitled to a Sign Permit from the Building Commissioner, provided that the sign complies with said approval.

1. **Permit Application.** All applications for signs requiring a sign permit shall be made to the Building Commissioner in such form as s/he may require. The Building Commissioner shall have the authority to reject any sign permit application which is not complete when submitted.

2. **Permit Granting Authority.** The Building Commissioner is the Permit Granting Authority for signs except for those permits for which the Planning Board is the Special Permit Granting Authority hereunder.
3. **Permit Processing Deadlines.** The Building Commissioner shall approve or disapprove any application for a sign permit within thirty (30) days of receipt of the application unless such signs require a Site Plan Review or Special Permit. If a Sign Permit requires a Site Plan Review or Special Permit, the permit processing deadlines and requirements are as provided in G.L.c.40A §9.
4. **Fees.** The Building Commissioner shall establish and from time to time review a sign permit fee which shall be published as part of a sign permit application.
5. **Portable Sign Registry.** The Building Commissioner shall establish and maintain a registry of those portable signs authorized to be displayed for longer than 14 days. The Portable Sign Registry shall provide for an annual registration of applicable signs and a mechanism by which the Building Commissioner can track which portable signs are allowed for greater than 14 days in accordance with §5.3.9.5.

5.3.8. Sign Design and Dimensions for Residential Districts

The signs described in this section are allowed subject to the issuance of sign permit by the Building Commissioner.

1. Residence A and Residence B Districts the following signs are permitted at any residential property:
 - a. **Professional and Home Occupation Sign.** One (1) non-illuminated sign is permitted indicating home occupation or professional use conducted within a residence or residential accessory building per residential lot with a maximum display area of two (2) square feet and a maximum height of six (6) feet. The sign shall be no closer to the front property line than 10 feet.
 - b. **Bulletin Board Sign for certain principal uses.** One (1) non-illuminated bulletin board sign is allowed for each side of a lot fronting on a street in conjunction with uses that are exempt from Zoning regulations in accordance with G.L. c.40A, §3, churches, other places of worship, school buildings, public libraries and other public uses. The maximum display area shall be twelve (12) square feet and maximum height of six (6) feet.
 - c. **Residential development identification sign.** One (1) on-site ground or wall sign is allowed to identify a residential development provided that the display area of such sign shall not exceed twelve (12) square feet.
 - d. Certain signs are allowed in Residential Districts without a Sign Permit as described in §5.3.5.

5.3.9 Sign Designs and Dimensions for Non-Residential Districts (Business, Commercial and Industrial districts)

1. **Wall Signs.** Each building permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect wall signs subject to the following and summarized in Table 5.3.1:
 - a. The maximum display area of wall signs for each building shall not exceed 1.0 square feet for each lineal foot of the building's front wall; however the maximum wall signage for each building cannot exceed 240 square feet.
 - b. Wall signs for tenant spaces are described below.
 - i. The building's front wall is measured by the portion of the lineal frontage of the building which is occupied by the tenant seeking the sign permit.
 - ii. For tenants not having building frontage, a section of the building's lineal frontage may be designated in order to calculate the sign's display area. Such designated frontage shall not be used to calculate more than one wall sign.
 - c. The maximum height of wall sign display area is six (6) feet.
 - d. Except for awning signs, a wall sign shall not obscure or cover architectural features such as but not limited to arches, sills, eaves moldings, cornices, transoms, lintels and windows.
 - e. Projecting signs and awning signs are counted towards the total wall sign display area.
 - f. A wall sign may be erected on a building, or on an arcade structure attached to the ground floor of a building, or on a permanent structure associated with a motor vehicle service station or a drive-up window.

Table 5.3. 1 Summary of Wall Sign Standards				
	Business and Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC, ID
Maximum Display Area Size Limit per tenant and per building	1 square foot per 1 lineal foot of building frontage up to 75 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 240 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 240 square feet whichever is smaller	1 square foot per 1 lineal foot of building frontage up to 120 square feet whichever is smaller
Maximum Height of Display Area	6 feet	6 feet	6 feet	6 feet

2. **Ground Sign.** Each buildable lot in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect ground signs subject to the following:
- Applicants are required to include address numbers or other address information on Ground signs.
 - Number and Size of Ground Signs
Table 5.3.2 gives the allowed number and dimensional standards for ground signs by district, followed by detailed design requirements for such signs.
 - All sign panels shall use a consistent background color.

Table 5.3.2 Types of Ground Signs (See also §5.3.9.2.c. for Ground Signs for Shopping Centers and Office Parks)

	Business and Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC, ID
Pole Signs				
Maximum Display Area Size Limit (per face)	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller
Maximum Number	1 per buildable lot	1 per buildable lot	1 per buildable lot	1 per buildable lot
Maximum Height	10 feet	15 feet	10 feet	10 feet
Minimum Height from ground level of Display Area	3 feet	3 feet	3 feet	3 feet
Setback from Front lot line	20 feet	20 feet	20 feet	20 feet
Monument Signs				

Table 5.3.2 Types of Ground Signs (See also §5.3.9.2.c. for Ground Signs for Shopping Centers and Office Parks)

	Business and Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC, ID
Maximum Display Area Size Limit (per face)	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller	0.75 square feet for every lineal foot of building frontage up to 100 square feet whichever is smaller
Maximum Number	1 per buildable lot if the front yard setback is greater than 20 feet	1 per buildable lot	1 per buildable lot	1 per buildable lot
Maximum Height	6 feet	15 feet	10 feet	6 feet
Setback from Front lot line	20 feet	20 feet	20 feet	20 feet

c. Additional Ground Sign Regulations

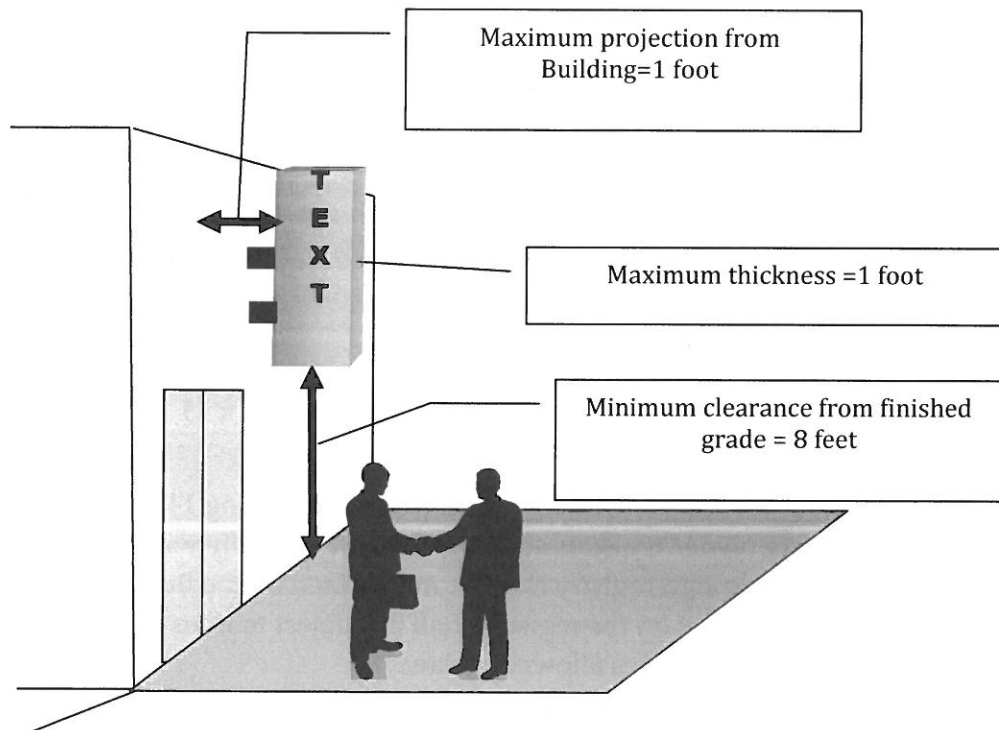
The following additional provisions may apply to certain Ground Signs in the Commercial Highway and Industrial Highway Districts:

- (1) Where a Ground Sign identifies a principal use or uses, such sign shall be permitted in addition to a wall sign permitted on the same lot. The display area and height of the ground sign shall be in accordance with Table 5.3.2.
- (2) "Entry Ground Signs" that are part of a Shopping Center or Office Park:
 - i. One (1) ground sign shall be permitted at each major public access to the property that makes up the Shopping Center or Office Park. The total display area of each entry ground signs shall not exceed one hundred (100) square feet if the site's total building area is less than or equal to 100,000 square feet. If the site's total building area exceeds 100,000 square feet, the total display area of each entry ground signs shall not exceed two hundred (200) square feet.
 - ii. If an applicant chooses to apply for "entry ground signs," then no other ground signs are allowed other than those that do not require a sign permit as described in §5.3.5.

3. **Projecting Sign.** Each building permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect projecting signs subject to the following:
- a. Display area of the projecting sign shall be included in the calculation of the maximum allowed wall sign display area for the principal use.
 - b. Projecting Signs may be erected on a building provided that the display area complies with Table 5.3.3. If a Zoning District is not listed in Table 5.3.3, projecting signs are not allowed in that district.
 - c. The thickness between the projecting sign faces shall not exceed one (1) foot. The closest point of a projecting sign to a building wall shall not exceed one (1) foot. A projecting sign shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. See Figure 5.3.6.

Table 5.3.3 Projecting Signs				
	Business, Limited Business	Commercial Highway	Industrial Highway	IA, IB, IC and ID
Maximum Display Area	12 square feet per building	24 square feet per building	24 square feet per building	24 square feet per building
Maximum Number	One per building	Two per building	One per building	One per building
Minimum Height	8' from ground	8' from ground	8' from ground	8' from ground

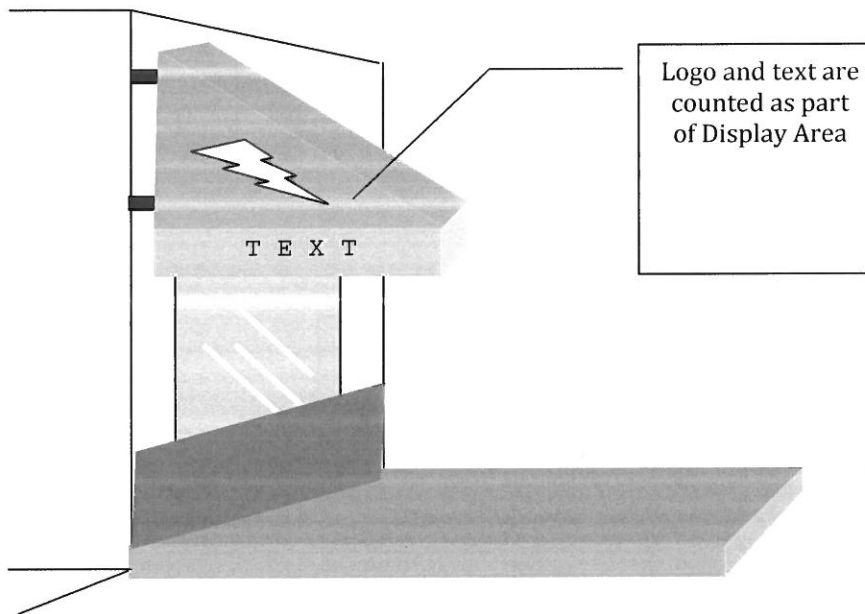
Figure 5.3.6 Projecting Sign



4. **Awning Sign.** Each principal use permitted in Business, Limited Business, Commercial Highway, Industrial Highway, Industrial A, Industrial B, Industrial C and Industrial D may erect awning signs subject to the following:
 - a. Display area of the awning sign shall count towards the wall sign display area for the principal use and for the building. Logos and text on an awning shall be measured in accordance with § 5.3.4.2. Stripes or color patterns that are not commercial content do not count as display area.

- b. An awning sign may consist of letters or symbols affixed to an awning in a parallel, perpendicular and/or convex position to the wall onto which the awning is mounted. Letters and symbols on an awning sign shall be flush with the surface of the awning.

Figure 5.3.7 Awning Sign



- 5. **Portable Sign.** In addition to the Temporary Signs that are allowed in §5.3.5.12, Portable signs without wheels are permitted as follows:
 - a. One portable sign per buildable lot is allowed for a time period exceeding 14 days a quarter, provided the property owner registers such sign permit annually with the Building Commissioner. Portable sign registry shall be maintained by the Building Commissioner and portable signs not on the registry shall be subject to fines as provided herein and/or other enforcement measures allowed by law.
 - b. Maximum Display Area of portable signs shall be twelve (12) square feet.
 - c. Minimum font size on portable signs is four (4) inches tall.
 - d. Such signs shall be placed on private property, and must be setback from the street lot line by at least 5 feet and located in such a manner as to not block vision of motor vehicle operators.
 - e. Building Commissioner has the discretion to require portable signs to be moved when there is a safety issue.

6. Off-Premise Sign.

- a. An off-premise sign is one that is located on a parcel of land other than that on which the use to which the sign refers, such as a sign for a business located off a main road.
- b. Off-premise signs are only allowed in non-residential zoning districts.
- c. Maximum display area: One hundred (100) square feet.
- d. Approval process: One off-premise sign per principal use may be authorized by the Planning Board with a Special Permit in accordance with § 5.3.11.

5.3.10 Nonconforming Sign

1. Any nonconforming sign lawfully erected in conformity with the then-existing zoning requirements may continue, and may be regularly maintained, repaired and repainted in its original form and colors.
2. The following pre-existing nonconforming signs shall no longer be allowed to continue and must be removed or brought into compliance with this bylaw:
 - a. A sign relating to a use which has been abandoned or not used for a period of two or more years; or
 - b. A sign in dangerous condition which fails to comply with the maintenance requirements of §5.3.4.1 (b) or (c) or which has not been repaired within sixty (60) days following the date of a written notice to that effect to the property owner by the Building Commissioner; or
 - c. A nonconforming sign accessory to any structure where the structure is expanded by more than twenty-five percent (25%) from its gross square footage at the time of the sign bylaw's effective date [February 19, 2014], must be removed or replaced with a conforming sign no later than the date of issuance of an occupancy permit for the expanded structure.

5.3.11. Signs Requiring a Special Permit from the Planning Board

1. **Review Authority.** The Planning Board, acting as the special permit granting authority under this section may approve, approve with conditions, or disapprove applications for signs that exceed the standards of this bylaw.
2. **Sign Special Permit Approval Criteria.**
 - a. A Special Permit under this section may be issued provided the Planning Board finds that, in addition to meeting the criteria of § 9.3, the resulting deviation from the otherwise applicable requirements of this Section meets the following criteria:
 - (1) The sign will be consistent with the intent and purpose of § 5.3;
 - (2) The sign will be consistent with the character and use of the area and with the Zoning District in which it is erected.
 - (3) The sign will not have a negative effect on traffic flow and safety, including parking and loading.

- (4) The sign will be appropriate in scale and proportion in its design and in its visual relationship to buildings in the area and its general surroundings and in particular
 - i. The sign will be attractively designed and located, and will be a compatible architectural element of the building to which it principally relates and will be in harmony with other features in the general area; and
 - ii. The sign will provide continuity with other signs, not including any nonconforming signs, on the same or adjacent buildings or lots with respect to most but not necessarily all of the following elements: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.; and
 - iii. The colors, materials and illumination of the proposed sign are restrained and harmonious with the building and the site to which it principally relates; and
 - v. The proposed sign will not unduly compete for attention with any other sign or signs.
3. **Imposition of Conditions.** When granting a Special Permit hereunder, the Planning Board, in order to mitigate negative impacts of a sign, may impose reasonable conditions taking into consideration all aspects of the sign and its impacts on the visual environment in the area, including but not limited to design, construction, color, illumination, landscaping, and coordination with buildings and other signs in the area, it may require the removal of any nonconforming sign or signs on the subject lot, and it may impose such other conditions as it deems appropriate to further the purpose of this section as stated in § 5.3.1.
4. **Sign Special Permit Rules and Regulations.** The Planning Board may promulgate Rules and Regulations governing the granting of Special Permits under this Section, including but not limited to the contents of an application and application fees.

<p>Proposed Revisions to 10.2 Definitions related to Signs – Replace the sign related definitions in Section 10.2 with the following.</p>
--

Sign Definitions. The following definitions apply to signs and their appurtenances:

Abandoned Sign. Any sign related to a use, building or structure which is not used for occupied or a period of two (2) years shall be considered abandoned.

Awning Sign. An awning sign is a sign which is located on or is part of an awning. As used in this Bylaw, an awning consists of cloth or opaque material affixed to the exterior of a building by a permanent structure that may be retractable; extending at least three (3) feet from the exterior wall; and providing shade and rain cover for pedestrians and visitors to the building.

Box Sign. A sign that contains all the text and logo symbols within a single enclosed illuminated cabinet.

Bulletin Board Sign. A ground or wall sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained.

Channel Letter Sign. A type of internally illuminated sign wherein individual letters or images are illuminated. This type of sign is distinct from an internally illuminated “box” sign, where a regular shape (such as a rectangle) is illuminated.

Changing Image Sign. A sign using digital, electronic or other methods to create an image that changes. A digital display of time, temperature, or fuel prices shall not be considered a changing image sign. See § 5.3.6.

Construction Sign. A sign denoting the architect, builder, owner, or other business concern connected with a duly authorized building construction project located on the same lot with such building.

Display Area. The area of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limit of any writing, emblem, representation, or other display used to differentiate the sign from the backdrop or structure against which it is placed. The display area shall not include supporting bracing or framework which is not an integral part of the sign design.

- a. Where there is more than a single sign face, the display area shall be defined as the one face of the sign. If multiple sign faces are not identical, the larger sign face shall be used to calculate display area. Three dimensional or irregular signs shall be measured as described in sub-section f. below and shown in Figure 10.2.4.
- b. Signs on a Base Material. When a sign is on a base material that is a different color than the structure or background to which it is affixed, such as a wood board painting a different color from the wall, the dimensions of the base material are to be used in calculating the display area.

- c. When signs are constructed of individual elements the display area is determined by calculating the area of the smallest imaginary rectangle, circle or triangle drawn around the sign elements. Text elements include spaces between letters. Spaces between capital and lower case letters are included with the capital letter(s). See Figure 10.2.1.

Figure 10.2.1 **Calculation of Display Area – for a sign constructed of individual elements**

$$\text{Display area} = (A \times B) + (C \times D) + (E \times F)$$

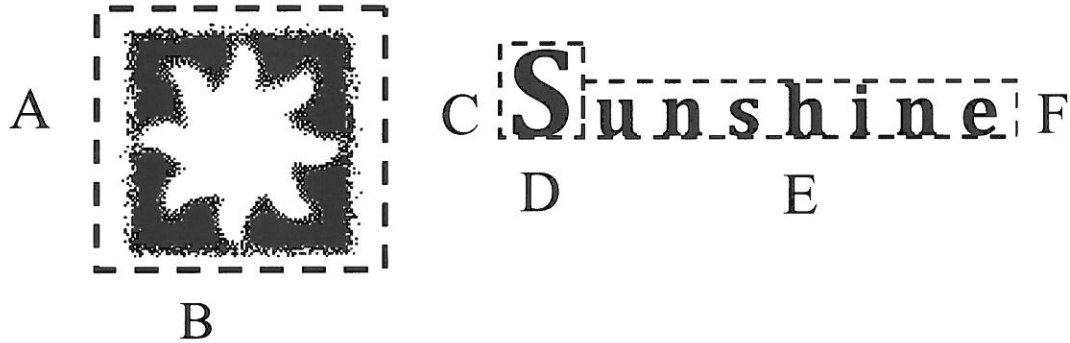
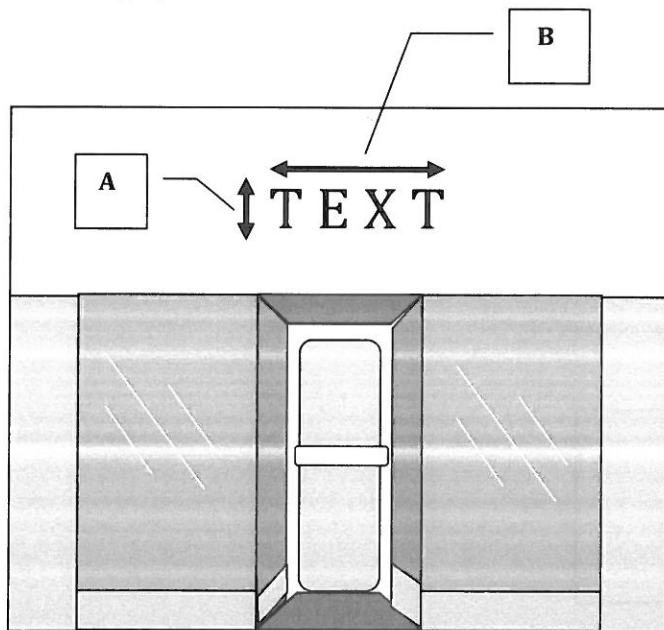


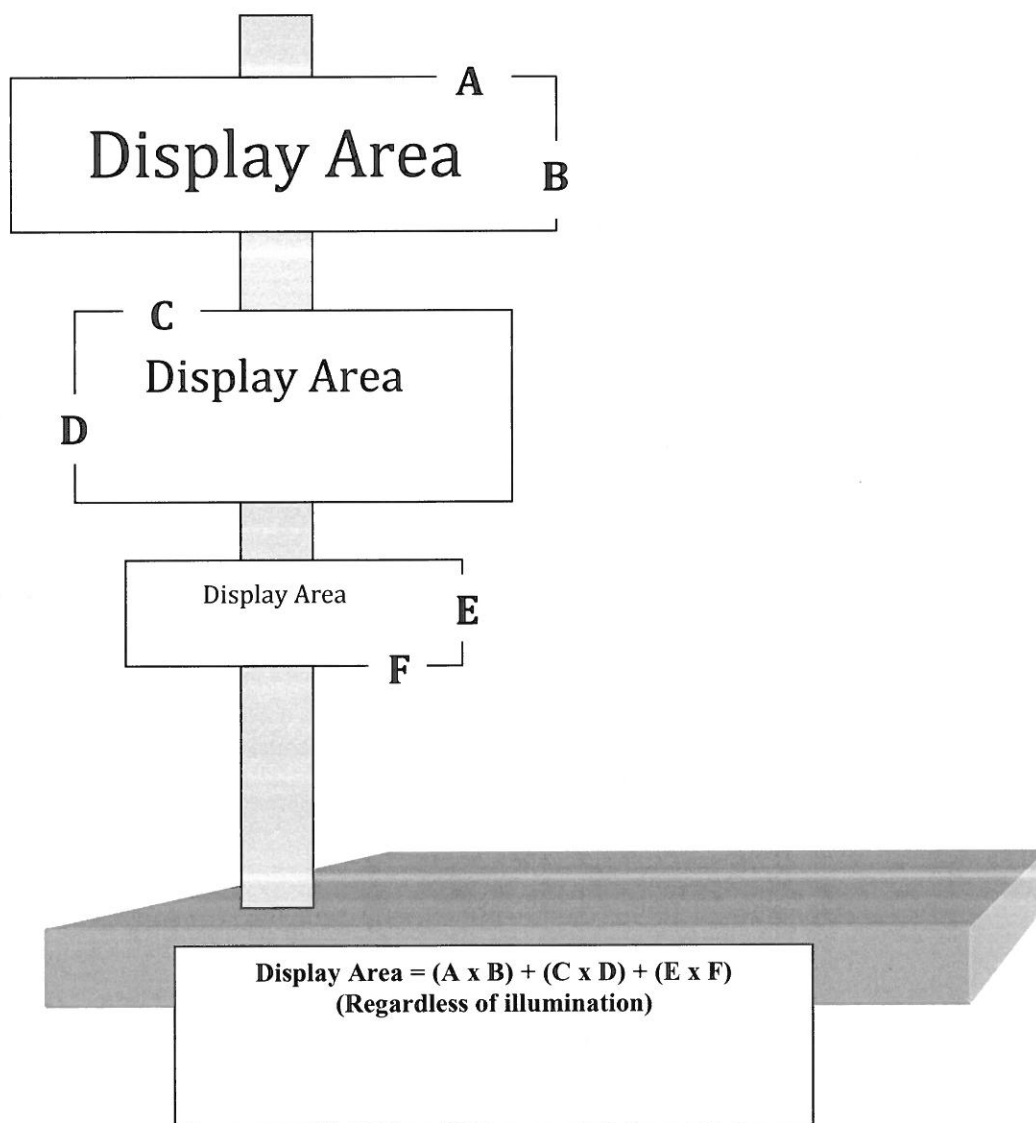
Figure 10.2.1a Display Area of Certain Wall Signs

Not illuminated or Channel letter sign
Display Area = $A \times B$



- d. In the case of a pole sign, the entire structure shall be considered an integral part of the background except for the pole supports, as illustrated in Figure 10.2.2.

Figure 10.2.2 Calculation of Display Area – Pole Signs

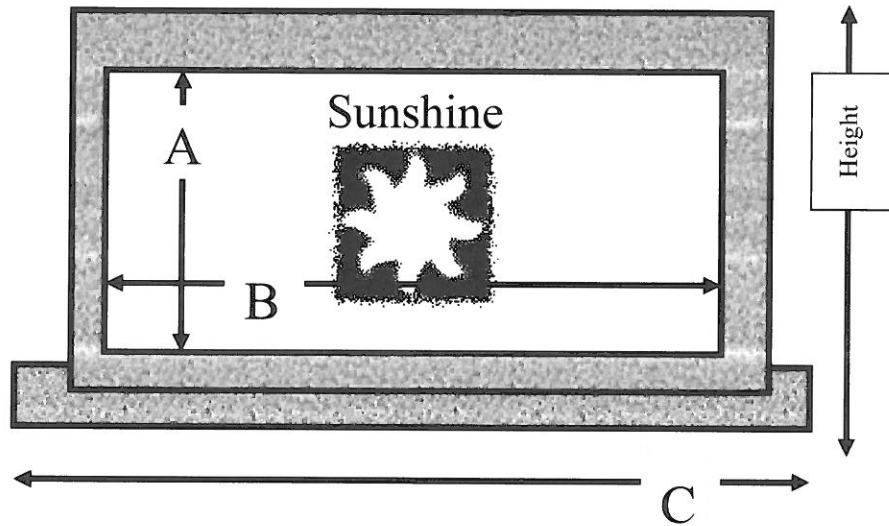


- e. Monument Sign Display Area. The lowest portion of any letter, symbol or illustration shall be counted in measuring the sign height as shown in Figure 10.2.3; however the maximum width of the sign is limited to 120% of the Display Area.

Figure 10.2.3 Measurement of Display Area of Monument Sign

$(A \times B) = \text{Display Area}$

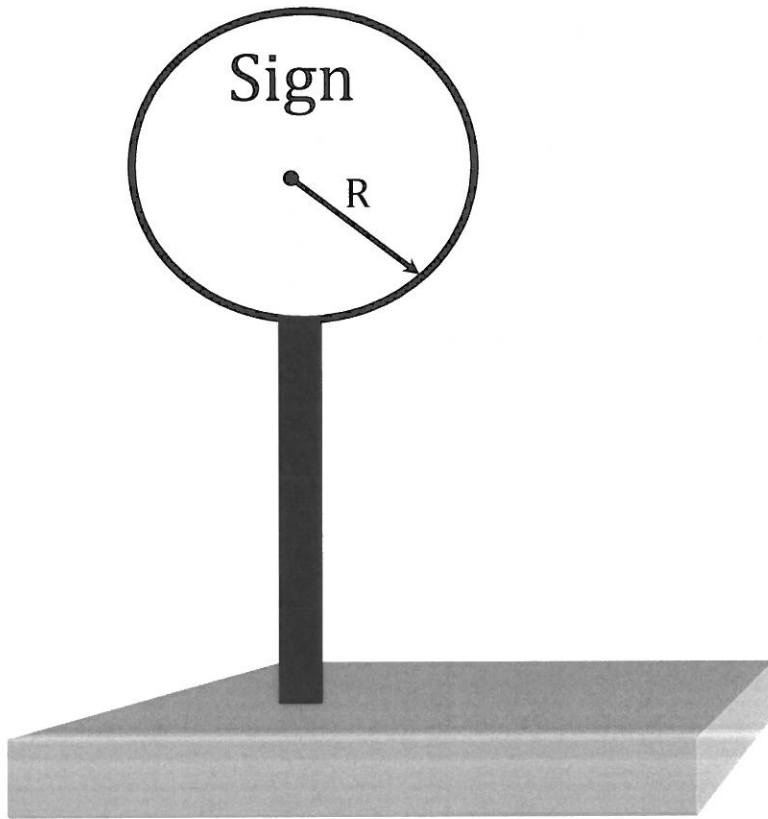
$C = \text{Width limited to a maximum of 120\% of } B$



- f. Irregularly Shaped Signs. The maximum surface area visible at one time of a spherical, three dimensional, irregular shaped or three or more sided Sign is counted to determine display area. Figure 10.2.4 illustrates how a spherical or round sign display area would be calculated.

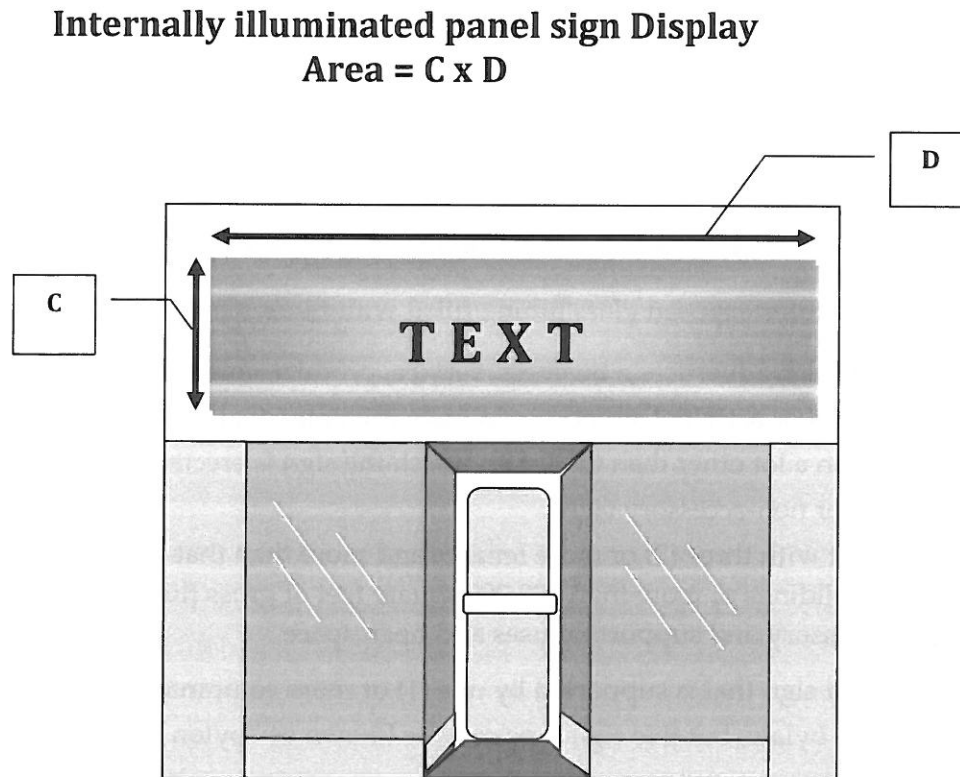
Figure 10.2.4 **Display Area Measurement of circular signs**

$$\text{Display Area} = (3.14) \times R^2$$



- g. If the sign is internally illuminated or has a border, the display area includes the sign elements, the internally illuminated area, and/or the bordered area, as illustrated in Figure 10.2.5.

Figure 10.2.5 Display Area of Certain Internally Illuminated Wall Sign



Entry Ground Sign. A type of ground sign at major public access points to a Shopping Center or an Office Park.

Erecting. Any installing, constructing, reconstructing, replacing, relocating or extending of a sign, but erecting shall **NOT INCLUDE** repairing, maintaining, re-lettering, swapping like size and illumination for like size and illumination, or repainting of an existing sign.

Ground Sign. A non-portable sign not affixed to any building but constructed in a permanently fixed location on the ground with its own support structure. Ground signs include pole signs and monument signs. Ground signs can include descriptions of services for drive through establishments.

Small Ground Sign. A ground sign meeting the criteria in §5.3.5.6.

Front Wall. – The wall in which the front or primary entrance to the building or principal use is located. For sign regulations, the front wall is used to calculate the maximum wall sign size.

Illuminated Sign – Internally lit. A sign that is lit by light sources from within the sign, but not including changing image signs. Includes Neon and LED signs.

Illuminated Sign – Externally lit. A sign that is lit from an external source

Light –emitting diode (LED) Sign. A sign using LED as a direct source of light, such as an “OPEN” sign.

Message Board. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. See also Bulletin Board sign.

Monument Sign. A form of a Ground Sign which is attached to and in contact with the ground for over 50% of the width of its display area. See definition of Display Area and Figure 10.2.3.

Neon Sign. A sign which features exposed glass tubing filled with fluorescent gas.

Off-Premise Sign. A sign which advertises a business, service, product, commodity, entertainment or similar object or activity (sometimes known as commercial speech), which is conducted, sold, or offered on a lot other than the lot on which the sign is erected. These are also known as off-site signs or non-accessory signs.

Office Park. A development with three (3) or more tenants and more than that contains a number of separate office buildings of more than 100,000 square feet of gross floor area. An office park may include accessory and supporting uses and open space.

Pole Sign. A form of ground sign that is supported by one (1) or more columnar uprights. The term pole sign is used in this bylaw, but this sign type may be known as “pylon sign” or “freestanding sign”.

Portable Sign. Any sign that is mounted on wheels or is not permanently attached to the ground, nor to a building or permanent structure, which is designed to be portable such as a trailer, motorized vehicle, an A-frame (sandwich sign), H-frame or T-frame sign placed on the surface of the ground or temporarily staked into the ground.

Principal Use. The primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied, or maintained under this zoning bylaw.

Professional Sign. A sign indicating the name and occupation of a professional person or group of associated professional persons.

Projecting Sign: Any sign, other than a wall sign, suspended from or supported by a building and projecting out therefrom.

Roof Sign. A sign which is painted, mounted or in any way projected above the parapet or above the lowest point of the eaves of a building or structure, not including any sign defined as

a wall sign and not including any wall sign mounted on a vertical building located above the eaves or parapet of any lower portion or wing of a building.

Sandwich Sign (also known as an A Frame). A type of portable sign that consists of two boards hinged in the middle that is not permanently affixed to a building or structure.

Shopping Center. A commercial development with three (3) or more tenants and more than 60,000 square feet of gross floor area. A shopping center can have more than one building or can be a single building.

Sign. Any symbol, design or device used to identify or advertise any place, business, product, activity, service, person, idea or statement that is visible to the public.

Temporary Sign. A sign which is not permanently affixed to a building or mounted in the ground and are displayed for less than 14 days in accordance with §5.3.5.12. See also Portable Signs.

Tenant. An occupant or land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease or rental arrangement with the property owner.

Wall Sign: Any sign permanently attached to or erected against the wall of a building or structure, or a sign that is an integral part of the building or structure, with the display area of the sign in a plane parallel to the plane of said wall, building or structure and which does not project more than one (1) foot from the face of the structure.

Window Sign. A sign, picture, symbol or message visible from the window's exterior side, not including any part of a customary window display of merchandise or other product. A Sign hung on the outside of a window is a Wall Sign.

Two-thirds Majority vote
October 22, 2013

A True Copy Attest:

Kaari Mai Tari
Town Clerk

